Nova Scotia Human Rights Commission
Annual Accountability Report for the Fiscal Year 2002/03

December 8, 2003

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Accountability Statement

The accountability report of the Nova Scotia Human Rights Commission for the year ended March 31, 2003, is prepared pursuant to the Provincial Finance Act and government policy and guidelines. These authorities require the reporting of outcomes against the Commission's business plan information for the fiscal year 2002/03. The reporting of outcomes necessarily includes estimates, judgments and opinions by management of the Commission.

We acknowledge that this accountability report is the responsibility of Commission management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Commission's business plan for the year.

Hon. Michael Baker, Q.C.
Minister Responsible for the N.S. Human Rights Act

Mayann Francis
Director & CEO

Message From the CEO

This document highlights the continuing progress made towards achieving the vision of a more transparent and effective Nova Scotia Human Rights Commission. Among the elements of the vision for the Commission:

- Developing a strategic vision to carry the Commission into the 21st century.
- Expediting the processing of cases.

The Nova Scotia Human Rights Commission is an independent government agency charged with administering the *Human Rights Act*, a provincial statute created in 1969.

One of the key accomplishments of the 2002/03 fiscal year was the completion of an organizational review of the Commission by consultants Grant Thornton. Carried out within the exiting budget of the Commission without impacting levels of service to the public, the recommendations from the consultants highlighted the need to:

- reduce the time it takes for the Commission to resolve a complaint of discrimination;
- utilize new technologies to improve case management and planning within the Commission;
- use mediation more effectively as a tool to achieve our mandate; and
- enhance our public education and outreach functions.

The recommendations from the organizational review will be implemented over the coming months and will be key to the Commission's ability to meet its obligations to the public. The focus will remain on improving our efficiency and effectiveness as an organization and helping Nova Scotians to build a province which encourages participation and achievement for all its citizens.

I. Introduction

This document is based on the goals and priorities identified in the Commission's 2002/03 business plan. With that in mind, this report should be read in concert with the business plan which is available on the Commission's website at http://gov.ns.ca/humanrights/.

The report will outline the progress made towards achieving the goals and priorities with a particular focus on the core business areas of *Public Education and Outreach* and the *Investigation and Settlement of Complaints*. Despite numerous challenges during the 2002/03 fiscal year, the Commission was able to meet its budget targets. These challenges included costs associated with a larger number of Boards of Inquiry and an ongoing organizational review.

The organizational review was begun by the Commission in July 2000 to look for more efficient and effective ways to deliver service to Nova Scotians. It began with the development of a discussion paper by Praxis Research to promote public discussion about the Commission's mandate. In April 2002, the consulting firm Grant Thornton was contracted to conduct Phase Two of the review which examined roles, responsibilities and structures of the Commission. Their final report was released to the public in December 2002 and contained recommendations aimed at preparing the Commission to carry out its mandate in an increasingly diverse society. The focus of the report was a commitment to more efficient and effective levels of service for the public. It is anticipated that during the 2003/04 fiscal year, the Commission will implement the process improvements identified by Grant Thornton.

During 2002/03, the Commission continued to take proactive steps to educate the public about human rights issues and to take a leadership role in the promotion of an open society which embraces the many different backgrounds, beliefs and dreams of Nova Scotians. Major events were held in December 2002 to mark International Human Rights Day. Events took place simultaneously in Halifax, Windsor and Sydney. The 7th annual Harmony Brunch was held in Halifax to celebrate the International Day for the Elimination of Racial Discrimination on March 21, 2003. And a variety of partnerships with community groups, other government departments and agencies and local businesses enabled the Commission to hold its fourth annual public forum and mark the second "Day of Reflection" with the Honourable John Hamm, Premier of Nova Scotia, and assembled faith leaders.

Within its limited resources, the Commission was able to provide an ongoing program of workshops and training for its investigation staff. The training was targeted at emerging issues in the human rights field and was designed to enhance the effectiveness of staff on the job.

In the following pages, information will be provided to report against the specific goals and priorities identified in the 2002/03 business plan.

II. Progress & Accomplishments

In its 2002/03 business plan, the Commission established the following goals:

1. To continue to promote the Commission as a credible and effective organization through better program delivery, improved service to the public and enhanced partnerships with other organizations.

2. To increase the efficiency and effectiveness of the complaint process.

3. To help foster the development of a more equitable society and fair workplaces by pro-actively addressing discrimination in all its forms.

What follows is a brief report on major initiatives undertaken to achieve the priorities set by the Commission's core business areas in support of these goals.

Public Education & Outreach

- Continue involvement with government, institutional and community partners to further develop linkages and forums for discussion and change; this includes oral presentations on trends and concerns to government and opposition caucuses in conjunction with the filing of the Commission's annual report.
  - Dr. Marguerite Cassin of Dalhousie University completed an analysis of the 2000/01 NSHRC Annual Report and looked at trends contained in complaint statistics from 1996-2001 .
  - The Minister Charged with the Administration of the Human Rights Act was briefed by Dr. Cassin on the findings of her analysis in May 2003.
  - Briefings for the party caucuses are planned for the coming year.

- Develop a comprehensive communications plan, including a unified theme, for 2002 activities.
  - Achievement of this priority was unable to be completed due to the lack of a dedicated communication support position for the Commission.
  - The Director and CEO has managed to secure support through Communications Nova Scotia for the development of communications plans and strategies through to the end of the 2003/04 fiscal year.

- Continue communication initiatives aimed at increasing the Commission's public profile.
  - Two Op Ed pieces were published by Director and CEO in April and May 2002.
  - A redesign of the Commission's website was launched in March 2003.
  - The results of the Commission's organizational review were released to the public in December 2002.
  - A new format for the Commission's annual report based on public feedback was developed and released in November 2002.
  - Press releases were issued for all major events, as well as to announce settlement agreements for Boards of Inquiry.
  - On November 5, 2002, the second annual "Day of Reflection" was held at Province House on the theme "Hope, Peace and Community". The event featured remarks from the Premier, thoughts from numerous faith leaders and a musical performance from Order of Canada nominee Terry Kelly.

- Continue policy research and development in partnership with external organizations in emerging areas of human rights including undertaking special projects aimed at mental health consumers and public education on political belief as a prohibited grounds as specified in the settlement agreement for *Archibald Kaiser v. Executive Council of Nova Scotia*.
  - Five public information sessions on political belief as a grounds under the Human Rights Act were undertaken in October and November 2002 - held in Halifax, Digby, Sydney, Truro and New Glasgow.
  - In September 2002, the first $30,000 grant to a community organization from the settlement in *Archibald Kaiser v. Executive Council of Nova Scotia* was awarded to Reach Nova Scotia
  - On December 10, 2002, the Commission marked International Human Rights Day at the Dartmouth Sportsplex. The event was organized and sponsored by Partners Against Racism (PAR), a committee of community and business people who volunteer time and resources. The theme was "bullying" and remarks were made by Dr. Wanda Thomas Bernard. In the afternoon, a workshop session encouraged participants to identify ways to counteract the negative effects of racism and violence.
  - International Human Rights Day was also marked in Windsor and Sydney, with the assistance of volunteers from the community at large and the students and teachers at the secondary and post-secondary level.

- Promote the Commission as a source of information and resources on human rights issues and compliance under the *Act* for employers and employees in the public, private, educational and not-for-profit sectors.

- Requests for training from the Commission's Race Relations and Affirmative Action Division continued to expand. The division recovered more than $8000 through its training activities in 2002/03.
- In November 2002, the Director and CEO addressed the Pictou County Chamber of Commerce on the theme "Healthy Communities, Strong Economy", encouraging members to capitalize on the value of diversity and inclusion within their workforces and communities.
- The Coordinator of Race Relations and Affirmative Action served as a member of the selection panel for the Executive Career Advancement Program of the Public Service Commission.

Investigation & Settlement of Complaints

- In cooperation with Mi'kmaq and other aboriginal communities, develop an aboriginal action plan to improve the services the Commission offers to these communities, particularly through the development of alternative dispute resolution.
  - An Aboriginal Advisory Committee of representatives from status and non-status groups was formed to assist the Commission with the development of a framework for interacting with Aboriginal communities.
  - The Aboriginal Human Rights Officer position became vacant in the Fall of 2002. Attempts at recruitment were unsuccessful in filling the position during the 2002/03 fiscal year.
  - The action plan will be fully developed during the 2003/04 fiscal hear.

- Develop a detailed client service plan for handling public enquiries.
  - The consultants' report from the organizational review recommended the creation of a dedicated intake function at the Commission. A request for the classification and recruitment of an Intake Analyst was submitted to the Public Service Commission for approval in March 2003. Approval had not been received by the end of the 2002/03 fiscal year, but is expected during the early months of the 2003/04 fiscal year.
  - With the assistance of a university coop student during the Spring of 2003, the Commission began to develop the intake function in anticipation of the recruitment of a full-time Intake Analyst.

- Review administrative guidelines for interventions and conciliations, with input from Race Relations Division, to further improve the process.
  - The consultants report from the organizational review made specific recommendations to increase the use of settlement initiatives. In December 2002, the

Director and CEO struck an ad hoc committee to draft and propose a new settlement initiatives policy to the commissioners for approval. The committee was to complete its work in the Spring of 2003.

- To ensure the separation of investigation and mediation functions, the Commission recruited the services of external mediators in January 2003 as part of a pilot project to promote the greater use of settlement initiatives to resolve complaints of discrimination. The early results of the pilot were positive, with more than 50% of the cases referred to external mediators resulting in settlement agreements. The pilot project was conducted within the current budget of the Commission.

- Continue development of processes to address systemic discrimination such as monitoring of workplace affirmative action agreements.
  - In November 2002, the Race Relations and Affirmative Action Division conducted a training session for Commission staff on the investigation of systemic discrimination complaints.
  - The commissioners received a training session on employment equity and affirmative action in January 2003.
  - The Race Relations and Affirmative Action Division consulted with the Municipality of Truro and the Cape Breton Regional Municipality as they prepared to renew their respective affirmative action agreements with the Commission.

- Prevent a backlog of cases by continuing to review the complaint process.
  - The Director and CEO pledged to implement the recommendations from the organizational review contained in the report prepared by consultants Grant Thornton.
  - In March 2003, an appeals commissioner from the Workers Compensation Tribunal accepted the short term post of Advisor to the CEO with the responsibility for developing a blueprint for the implementation of the organizational review recommendations in the area of case management.
  - A Project Manager was recruited in March-April 2003 to lead the overall implementation of the organizational review results, including recruitment of staff and development of new policies and procedures.

- Pending results from the organizational review, pursue more effective methods of tracking case management.
  - Implementation of an electronic case management database based on an Oracle platform is planned for the 2003/04 fiscal year.

- Develop a Code of Ethics for Commission staff.
  - This project was deferred pending the implementation of the results of the organizational review in 2003/04 and will be incorporated into a Code of Conduct for Commission staff.

III. Financial Results

N.S. Human Rights Commission - Budget Expenditures		
	Budget - 2002/03 Estimates	Budget - 2002/03 Actuals
	$ Millions	$ Millions
Total - Gross Current	$1.676	$1.646*
Total - Program Expenses net of Recoveries	Nil	$0.447
Funds From Kaiser Settlement	$0.045	$0.045
Salaries & Benefits	$1.191	$1.191
Funded Staff (FTEs)	22	22

* The Commission finished under budget by $30,000 due to delays in filling several vacant staff positions.

IV. Performance Measures

The measures in this report are from the Commission's 2003/04 business plan. They represent outcomes identified in the core business areas of *Public Education and Outreach* and *Investigation and Settlement of Complaints.*

Public Education & Outreach

Outcome: **Commission recognized as a leader in the human rights field.**

Measure: ***The number of strategic partnerships for event planning.***

What Does This Measure Tell Us?

To be successful in fostering an equitable society and healthy work places in Nova Scotia, the Commission must engage public and private organizations in its activities. By increasing the number of such partnerships, the Commission extends its ability to engage Nova Scotians in discussion and debate about human rights issues and encourages employers to open their work places to the benefits of diversity. Developing partnerships also enables the Commission to use its financial resources in more efficient and effective ways to achieve its mandate.

Where Are We Now?

The Partners Against Racism (PAR) committee remains the Commission's primary forum for community partnerships. Each member of PAR contributes their time and some financial resources to successful events for International Human Rights Day (December 10th) and the International Day for the Elimination of Racial Discrimination (March 21st). Membership in this committee currently stands at nine organizations.

During the 2002/03 fiscal year, Kimberly Clark Inc., a major employer in Nova Scotia, approached the Director and CEO with an offer to reproduce remarks she delivered to the Pictou County Chamber of Commerce in November 2002 in brochure format. This enabled a high quality brochure to be produced for use in the Commission's education and outreach programs at no cost to its budget.

Where Do We Want to be in the Future?

The target for the 2004/05 fiscal year is to increase the number of strategic partnerships to ten.

Outcome: **Employers committed to inclusive workplaces free of discrimination.**

Measure: ***Number of requests for training.***

What Does This Measure tell Us?

If the Commission is serious about fostering healthy work places, then it is essential to develop relationships with employers which promote the growth of inclusive and respectful environments for their employees. To accomplish this, the Commission uses a number of tools. These include affirmative action agreements, sensitivity training and assistance with the development of better work place policies.

Where Are We Now?

As the recommendations from the Commission's organizational review continue to be implemented, our ability to reach out proactively to employers will be enhanced. Greater efficiency in the investigation and settlement of complaints will enable more resources to be invested in training, outreach and policy development. As well, the expanded use of mediation to resolve complaints will enable creative resolutions which are mindful of the broader public interests involved in human rights.

Where Do We Want to Be in the Future?

The target for the 2004/05 fiscal year is for the requests for training to increase to 36 annually.

Investigation & Settlement of Complaints

Outcome: **More efficient complaint handling process.**

Measure: ***Average time to process complaints.***

What This Measure Tells Us?

The Director and CEO has pledged to ensure that the public receives efficient and effective service from the Commission. One way to measure the progress in meeting that commitment is the time it takes for a complaint of discrimination to be resolved.

Where Are We Now?

The Commissions current success rate in meeting the target of completing the handling of individual complaints within an 18 month time frame is approximately 90%. Expanded use of mediation, a review of time lines for case management, a reallocation of staff resources and ongoing training for investigation staff continue to be used to work towards the achievement of this outcome.

Where Do We Want to Be in the Future?

The target for the 2004/05 fiscal year is to complete the processing of complaints in 12 months or less.

Measure: ***Percentage of cases where intervention attempted.***
Measure: ***Percentage of cases where dispute resolution attempts.***

What Does This Measure Tell Us?

The settlement of complaints may be a quicker and more effective process if, where appropriate, the parties are brought together earlier in the process to discuss options for resolution. As the Commission continues to implement recommendations from its organizational review, mediation will play a greater role in the settlement of complaints.

Where Are We Now?

The Commission has decided to use the term "mediation" to describe all attempts at settling complaints, whether they are formalized complaints or not. This is in the interests of being clear and consistent when communicating with clients. As a result, beginning with the 2003/04 fiscal year, the terms "intervention" and "dispute resolution" will no longer be used.

Where Do We Want to Be in the Future?

The target for the 2004/05 fiscal year is for mediation to be attempted in 30% of complaints brought to the Commission. That target may be adjusted to reflect recommendations from the organizational review.

Measure: ***Number of files with checklist for systemic issues completed.***

What Does This Measure Tell Us?

In addition to resolving individual complaints of discrimination, the Commission also looks to eliminating the underlying causes of discrimination. Known as systemic discrimination, this may be the result of policies, procedures or practices that disadvantage a particular group, whether intentionally or not. By paying attention to possible systemic causes in its work, the Commission will be able to advance the fostering of an equitable society and fair work places much more effectively.

Where Are We Now?

The investigation staff of the Commission continue to receive training and skill development in the settlement of systemic issues. As the recommendations from the organizational review continue to be developed, the skill of staff will be further enhanced.

Where Do We Want to Be in the Future?

The target for the 2004/05 fiscal year is for investigation staff to complete a systemic discrimination checklist for all cases.

Outcome: **Staff knowledgeable about emerging issues.**

Measure: ***Response time to parties.***

What Does This Measure Tell Us?

Society has become increasingly diverse in our province, and the knowledge of citizens about human rights issues has increased at the same time. For human rights commissions, this means they are faced with different interpretations of their governing acts which may challenge accepted knowledge or belief. To continue to be efficient in its work, the Commission must be able to anticipate emerging trends and respond to inquiries based on these trends quickly and accurately.

Where Are We Now?

The organizational review has recommended the creation of a Policy & Legal Analyst at the Commission. This staff member would be able to provide advice to senior management on emerging trends and the best way to match those trends in terms of policy development, skill development and possible amendments to the Human Rights Act.

Where Do We Want to Be in the Future?

The target for the 2004/05 fiscal year is for staff to be able to respond to inquiries about emerging issues within two weeks.